

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

ANDREW MARK HARRIS

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CASE NUMBER 6:12-CR-0079-RC

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On March 20, 2017, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Andrew Mark Harris. The government was represented by Jim Noble, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk, Federal Public Defender.

Defendant originally pled guilty to the offense of Felon in Possession of a Firearm, a Class C felony. The offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 25 and a criminal history category of IV, was 84 to 105 months. On April 11, 2013, District Judge Leonard Davis sentenced Defendant to 40 months imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug aftercare, mental health counseling, and a \$100 special assessment fee. On July 13, 2015, Defendant completed the term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was required to refrain from committing another federal, state, or local crime. In its petition, the government alleges that Defendant violated his conditions of supervised release when he was arrested on September 6, 2015 by Van Zandt County Sheriff's office for Possession of Controlled Substance PG 1 < 1G.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when he was arrested on September 6, 2015 by Van Zandt County Sheriff's office for Possession of Controlled Substance PG 1 < 1G, Defendant will have committed a Grade B violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade B violation, the Court shall revoke supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of IV, the Guideline imprisonment range for a Grade B violation is 12 to 18 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the act as alleged in the government's petition. In exchange, the government recommended to the Court a sentence of 12 months and one day with no supervised release to follow and credit for time served from September 27, 2016.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Andrew Mark Harris be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and 1 day with no supervised release to follow and credit for time served from September 27, 2016. The Court **FURTHER RECOMMENDS** drug treatment and that the place of confinement be Texarkana, Texas to facilitate family visitation.

So ORDERED and SIGNED this 20th day of March, 2017.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE